

REMARKS

Claims 1 and 9-14 are pending in this application, with claims 1 and 9-14 withdrawn from consideration, as of entry of the Response dated December 22, 2010. Claims 7 and 15 are amended, and claims 16-19 are newly added herein. Upon entry of this amendment, claims 1 and 7-19 will be pending, with claims 1 and 9-14 withdrawn from consideration. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendment to claim 1 is detailed below. Claim 15 is amended for proper antecedent basis of the preamble. New claims 16-19 depend from claim 7. Support for claims 16-19 may be found in original claims 3-6.

Claims 2 and 7-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over McCarthy et al. (US 5,883,199) in view of Liu et al. (J. of Environmental Polymer Design, 1997) and Hiruma et al. (JP 2002-128918) with evidence provided by Hodson (US 2006/0240726).
(Office action paragraph no. 2)

Claims 3 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over McCarthy et al. (US 5,883,199) in view of Liu et al. (J. of Environmental Polymer Design, 1997) and Hiruma et al. (JP 2002-128918) with evidence provided by Hodson (US 2006/0240726), further in view of Obuchi et al. (US 6,916,950) with evidence from Wypych (2000). (Office action paragraph no. 5)

Reconsideration of the rejections is respectfully requested in view of the amendments to the claims.

On pages 2-5 of the Advisory action mailed January 6, 2011, in response to the Response under 37 CFR 1.116 filed on December 22, 2010, the Examiner provided remarks regarding the proposed claim amendments in that Response.

On page 2 of the Advisory action, the Examiner reviewed the arguments made in response to (A) the rejection under 35 U.S.C. 103(a) over McCarthy, Liu, Hiruma and Hodson, and (C) the rejection under 35 U.S.C. 103(a) over McCarthy, Liu, Hiruma, Hodson, Obuchi and Wypych.

In particular, the Examiner states that Applicant's arguments are directed to the property of heat resistance at 50 °C or more, which is not recited in the claims.

Applicant notes that Applicant's arguments were that the heat resistance property was a property **inherent** in the claimed composition and that this represented an unexpected result commensurate in scope with the claim limitations. However, in response to the Examiner's remarks, Applicant has here amended claim 1 to recite: "wherein the injection molded article has a deflection temperature under load of 50°C or more." Support for this limitation may be found in the specification, for example, at page 33, lines 6-14. This is an explicit recitation of the heat resistance property of the present invention.

Applicant therefore respectfully requests reconsideration of Applicant's arguments on pages 7-8 of the Response dated December 22, 2010, arguing that the deflection temperature under load of 50°C or more represents an unexpected result of the present invention.

Applicant further notes that on page 4 of the Advisory action, the Examiner further reviews the teachings of McCarthy with regard to the second polyester polymer, and cites Hiruma's disclosure of an aromatic-aliphatic polyester resin component (Ecoflex) that improves shock resistance. This is cited as providing a motivation to include an aromatic-aliphatic polyester

meeting the limitation of claim 7. The Examiner states on page 5, line 3: “**This is essentially the same combination** as that required by applicant, and therefore the same properties are expected.” (Emphasis added).

However, Applicant respectfully submits that this is an improper argument. None of the references teaches the claimed composition. The “same combination” referred to by the Examiner is, in fact, the Examiner’s combination of different components from different references. The Examiner’s statement that “the same properties are expected” has no basis in the references and is meaningless in regard to the rejection.

Applicant also notes that the Examiner states at page 5, line 4: “Furthermore, McCarthy specifically describes superior mechanical properties, and improved elongation toughness, which is consistent with excellent impact strength and elastic properties.” That is, improved mechanical properties and elongation toughness are cited to provide the Examiner’s motivation for modifying the references. However, Applicant’s argument of “unexpected results” is based on the **excellent heat resistance** commensurate with the claim limitations. The Examiner has not provided any argument that the **heat resistance** result would be expected based on the cited references.

Applicant therefore maintains the general argument that the present invention has an unexpected result of excellent heat resistance, fully commensurate with the limitation of “wherein the injection molded article has a deflection temperature under load of 50°C or more” added here to claim 1. Reconsideration of the rejections is respectfully requested.

U.S. Patent Application Serial No. **10/531,952**

Amendment filed January 27, 2011

Reply to OA dated August 31, 2010

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: Request for Continued Examination (RCE)
Petition for Extension of Time

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